

1895-013
Lee Co.

Chancery Causes: Sallie A. Bailey by & vs. J. S. Bailey

Barron, Ely

CA-Divorce

T-Vices

Duncan, Mathews & Maynor, Attorneys-at-Law, Big Stone Gap, Va.

To the Honorable H.S.K. Morison, Judge of the circuit court of Lee County, Va.;

Your oratrix, who sues by her next friend, J.P. Barron, humbly complaining, would respectfully show unto your Honor, that on the ^{15th} day of July 1891 she was legally married to one J.S. Bailey, and that one child was born of that marriage, named ^{Janette} ~~Mary~~ Bailey, which is now living with your oratrix, and is ⁴ ~~3~~ years old; That shortly after her marriage in this state in the county of Wise, she, with her husband moved to the county of Harland in the state of Kentucky, and that for a short time they lived happily together, but that her said husband, the said J.S. Bailey, seemed to soon grow tired of the love and affection and society of your oratrix, and began to associate with low and lewd women, and as your oratrix is informed, believed and charges lived in adultery, open and gross lewdness with them. and still continues to do so.

Your oratrix would further show unto your honor that she has at all times been a true and loving wife, but that as soon as she became convinced that her said husband was untrue to his marriage vows, and was degrading her by living and associating with low and lewd women.

~~she has since refused to live with him, and has~~
nor ^{has} she in any other way condoned his offense.

Your orator would further show unto your Honor that more than twelve months ago, and before the bringing of this suit, and as soon as she left her said husband, she returned to her mothers in the county of Lee in the state of Virginia, where she has since lived.

Your oratrix further avers and charges that there is no fraud or collusion between her and her said husband for the purpose of this suit or any other for the purpose of obtaining a divorce a vinculo matrimonii.

Your oratrix, would further show unto your Honor that her maiden name was Sallie A. Barron, and that she desires to be restored to the same; that she has ample property to provide and take care of and educate her said child; that the said J. S. Bailey is a person unfit for the care and custody of an infant of tender years

That her said husband well fully abandoned her in the latter part of the year 1891 and has never been with her since as man and wife; In fact, shortly after committing the act of adultery, of which she was convicted, and as your oratrix is informed, believed and charges obtained a divorce in one of the Courts of Oklahoma in the Indian Territory.

(2)

Nor has the said J.S.Bailey any property in this state known to your oratrix out of which he could take care of and support the said infant child, or out of which alimony might be decreed:

The premises considered, the prayer of your oratrix is that upon hearing of this case that she be granted a decree dissolving the bonds of matrimony now existing between her and the said J.S.Bailey; that she be restored to her maiden name of Sallie A. Barron; and that she be decreed the care and custody of the said infant child, Margaret Jannette Bailey; that the said J.S.Bailey be made a party defendant to this Bill and that he be required to answer the same upon oath; and all such other and further, general and special relief as to equity belongs and is suited to his cause; and as in duty bound she will ever pray &c.

Duncan, Mathews & Maynor P.Q.

638.05

Bill no
Oky

J. S. Bailey

1893 1st Liberty Bells Bill
Filed order Pub. against
Defendant & Continued

" 2 Libby Rules order book.
Completed + D. W. Si

11 1st March Rules taken
last Monday in Hilary
D. N. Court & Cause
set for hearing by
Plaintiff

Inure Lern Contd

11 Poor Term Contd

1894 March " "

" June " "

11 Nov 11
1895 - March 11

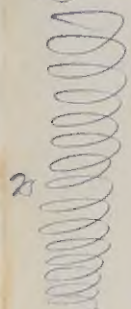
1898 - March " " "
" June Term of

11 June term of court
final See Cheyond

Book Page 197

And the object of this book having
been accomplished, it is ordered that
the same be drawn from the docket.

James Wm Bailey



2

Decees final

John L Bailey

O.B.

Page 197

Enter this decree
this 1st day of June 1890.

N.L.M.

The deposition of M G Ely taken
before H C Jocelyn, a Justice of the
Peace in and for Lee County at
the office of M G Ely in the Town
of Jonesville Lee County Va on the
3rd day of June 1893 to be read on behalf
of the plaintiff in a certain suit
pending in the ~~same~~ Circuit Court
of Lee County Va on the Chancery side
thereof in which Saml Allen Bailey
is plaintiff and John S Bailey is defendant
Present.

Wm Shafter, atty for Plaintiff

1 Q Please state your name, age, occupation and place of residence?

Ans. I am 29 yrs. old, attorney at Law, residence Beck Spring Va.

2 Q State if you are acquainted with the plaintiff and defendant in this suit and if so, state if you know of any acts of ~~adultery~~ ^{adultery} on the part of the defendant with a woman other than his wife?

Ans. I am acquainted with them, and as to knowing of any acts of adultery on the part of defendant, I only know from what I have heard him say, I have heard him speak of having sexual intercourse with other women than his wife during the time they lived together, I also saw him at one time in company with a woman at Harlan C. H., who had then

reputation of being a base and bad woman
he went with her to a hotel and went up
stairs with her, this occurrence happened when
his wife was in Va. on a visit, I am satisfied
that these acts of ^{the} defendant were done without
the consent or connivance of Mrs. Bailey, knowing
her as I do I do not think defendant is a fit person to be
entrusted with the education and care of a female child.
And further this deponent saith not;

M. G. Ely

Virginia Lee County To-wit:

I Henry B. Goslyn a Justice of the
Peace in and for the County and
State aforesaid. do Certify that
the foregoing deposition of M.
G. Ely. was taken, sworn to
and Subscribed before me at
the time and place, and for
the purposes in the Caption mentioned
given under my hand this 3^d.
day of June 1895.

H. B. Goslyn J. P.

David Ann Bailey
3 Deposition
K 3 of M. W. Ely

John S. Bailey
Received from W. S. to
Joselyn the Justice
before whom taken
& filed June the 3rd
1898
A. B. Munsey Clerk

J. R. Fee 75 cts
Pd. by W. S. Mathews.
A. B.

The depositions of R. P. Barron
and others taken at the office
of Mathews & Maynor in the
town of Big Stone Gap. Lee County
Virginia on the 1st day of June
1895 to be read in behalf of the
plaintiff in a certain suit in
chancery pending in the Circuit
Court of Lee County Virginia
wherein Sannie Ann Bailey is
plaintiff and John S. Bailey
is defendant.

Present:

John Mathews, attorney for plaintiff
Sannie Ann Bailey a witness of
lawful age, bring first duly
sworn depositions and says
1st Question

Please state your age, occupa-
tion and present place of residence
ans: - age 25. School teacher, and at present
live at Big Stone Gap Va
2nd Question -

Please state if you were a
resident of Lee County Va. at the time
of the institution of this suit, and
if so how long had you resided therein
before this suit was brought
ans: - I did live in Lee County where
this suit was brought and had live
there one year before I brought this
suit.

3 Question -

are you the plaintiff in this
suit?

ans: yes sis, I am.

4 Q.

When were you married?

ans: July 15th 1891 to John S Bailey
5 Q. ~~When~~ How long you separated
from your husband, also at what
time.

ans- We finally separated about the 1st May
1892. and my husband went west in
October 1892. and when he returned he
came by here and informed me he had
procured a divorce in Indian territory.

6 Q.

Has he ever lived with you since
he left?

ans- No sis.

7 Q.

Was there any issue from this marriage?

ans-

One child, a girl named Marguerite Jeanette
Bailey and will be 3 years old 30th Sept 1895

8 Q.

Has your husband contributed anything
for her support?

ans Only about 75

9 Q.

What is the moral character of your
husband?

Ans: He is a Drunken Man, and frequently
use profane language in my presence

And further this deponent saith
not.

Sallie Ann Bailey

Virginia: In This County to wit

I Mrs Mathews, a Notary Public and
for This County and State aforesaid
do certify that the foregoing deposition
was taken, sworn to and subscribed before
me at the time and place and for
the purposes mentioned in the Caption
Given under my hand the 1st day of June 1875

Mrs Mathews, N.P.

Sarah Ann Bailey

3 Reposition

10 of S. A. Bailey

John S Bailey

Received from J. S.
Mathews the Notary
before whom taken
filed June 1st 1895
J. S. Munsey Clerk

The depositions of P. H. Barron and others taken before W. S. Mathews, a Notary Public, in and for Wise County Va., at the Office of Mathews & Maynor, in the town of Big Stone Gap on the 1st day of June 1895, to be read as evidence in behalf of the Plaintiff in a certain suit in Chancery pending in the Circuit Court of Lee County Va., wherein Sallie Ann Bailey, Plaintiff, and John S. Bailey is Defendant, pursuant to an Order of Publication in said cause.

P. H. Barron a witness of lawful age being first duly sworn deposes and says:

Q. 1. Please state your name, age, occupation and place of residence; and whether or not you are acquainted with the parties in this suit?

Ans. P. H. Barron, age 22 years old, occupation Clerk, residence, Big Stone Gap, Va. and I am familiar with the parties to this suit, being a brother of the plaintiff.

Q. 2. State if you know the time when plaintiff and defendant were married, and when the plaintiff moved to the County of Lee?

Ans. They were married about 15th July 1891, and I think plaintiff moved to Lee County in March 1892, and was living there when the defendant voluntarily abandoned and deserted her about May the 1st 1892 going west. I have since been informed that the defendant obtained a divorce in the Indian Territory; the defendant has never lived with the defendant since May 1st 1892.

Q. 3. How many children if any were born of this marriage?

Ans. One girl child named Margaret Janett, which is about two and one half years old.

Q. 4. From what you know of the general reputation and character of the defendant is he such a man as should be intrusted with the care and education of a female infant?

Ans. No Sir. I think not. He has a general reputation as a drinking swearing man and one who runs after bad women.

Q. 5. Please state where the plaintiff was living at the time this suit was instituted?

Ans. Turkey Cove, Lee County, Va.

Further this deponent saith not.

R. P. Barron.

R. P. Barron another witness of lawful age being first duly sworn deposes as follows:

Q. 1. Please state your name, age, occupation and place of residence?

Ans. 27 years old, R. P. Barron, occupation a Butcher, residence Big Stone Gap, Va., and I am a brother of the plaintiff.

Q. 2. Please state date of the marriage of the plaintiff and defendant?

Ans. About July 15th 1891.

Q. 3. Please state whether or not plaintiff and defendant are now living together as man and wife, and if not, state if you know why not?

Ans. They are not, and have not been living together since May 1st 1892, at which time the defendant willfully abandoned and deserted plaintiff and went west and on the ____ day of ____ 189__ in the ____ Court of ____ County,

in the Indian Territory the said defendant obtained a divorce from the plaintiff a copy of which ~~is filed herewith~~ Decree is filed herewith as a part of my deposition marked as "Exhibit A."

Q. 4. Where was the plaintiff living at the institution of this suit?

Ans. She was living in Lee County, Va.

Q. 5. Has plaintiff and defendant lived together since they separated in 1892?

No Sir. They have not.

Further this deponent saith not.

W. S. Mathews

Virginia, Wise County, to-wit:

I, W. S. Mathews, A Notary Public in and for the county and state aforesaid, do certify that the foregoing depositions were taken, sworn to and subscribed before me at the time and place and for the purposes in the caption mentioned.

Given under my hand this 1st day of June 1895.

W. S. Mathews N. P.

Wm A. Bueley

Wm A. Bueley

Wm A. Bueley

Wm A. Bueley

Wm A. Bueley

Wm A. Bueley

Wm A. Bueley

Wm A. Bueley

Wm A. Bueley

Wm A. Bueley

Received from Wm S
Mathews the Notary
Public before whom
taken & filed June
the 3rd 1898
At B Muncy Clerk

Virginia: In Lee County, to-wit:

I John Riddle, a justice of the peace in and for the county and State aforesaid do certify that *J. U. Bailey*

This day personally appeared before me in my county aforesaid

and made oath that *J. S.* Bailey, against whom Sallie A.

Bailey is about to institute a suit in chancery in the circuit court of Lee County, is a non-resident of this commonwealth.

Given under my hand this *12th* day of January 1893.

John Riddle J.P. ~~John Riddle~~

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Mathews & Maynor,

Attorneys-at-Law,

Law Offices Nickels Building, Wood Avenue

vs.

Big Stone Gap, Va. Feb 15 1893

Mr. Johnston

Dear Sir:

Please enclosed find
 Bill of Plaintiff in case of
 Bulsy vs Bailey which please
 mark filed

Yours truly
 W. S. Mathews

IN THE CLERK'S OFFICE of the Circuit Court of the County of Lee, on the 20th day of January, 1893.

Sallie A. Bailey, who sues by her next friend, J. P. Barron, Plaintiff, against J. S. Bailey, Defendant—In Chancery.

The object of this suit is to obtain a decree of divorce dissolving the bonds existing between the Plaintiff and the Defendant, and to obtain a decree giving the care and custody of the infant child, the fruit of said marriage, to the plaintiff. And an affidavit having been made and filed that the defendant J. S. Bailey is not a resident of the State of Virginia, it is ordered that he do appear here, within fifteen days after due publication hereof, and do what may be necessary to protect his interest in this suit. A copy, Teste: J. A. G. HYATT, Clerk.

DUNCAN, MATHEWS & MANOR, p. q.

For The First Coin
s limited, and time must enhance their

Printer's fee \$5.00

VIRGINIA, Lee County, To wit: I
Geo. C. Coleman, editor and publisher
of the LEE COUNTY REPUBLICAN, a news-
paper, printed in the town of Jonesville,
in the county of Lee, Virginia, do here-
by certify that the foregoing order of
publication was duly published in said
paper for four successive weeks, from
and after the 19th day of Jan^r.....
189⁸ Ending on the 24th day of Feb^r..
..... 189⁸.

Geo C. Coleman,

Editor and Publisher

Sallie A. Bailey by

3 Printers
vs 3 Certificate

J. S. Bailey

Filed Feb 2^d 1893.

J. H. Hyatt

This fee 5¢

I certify that I posted a copy of this order Feb 2^d at the front of the Court house door on the first day of January term of the County Court for year 1893.

J. H. Hyatt